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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,204	07/31/2001	Hideyuki Aoki	FUJH 18.876	3969
26304 7590 05/09/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER LIN, WEN TAI	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/919,204

Applicant(s)

AOKI ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-6, 9-12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheridan[U.S. Pat. No. 5760917].
4. Sheridan was cited in the previous office action.
5. As to claim 1, Sheridan teaches the invention as claimed including: an information distribution device [20, Fig.3] which is connected with a plurality of terminal devices [e.g., 40A – 40N, Fig.3] which belong to a group, and a content server storing distribution information via a network [e.g., 2A – 2N of Fig. 3 are content servers], said information distribution device, comprising:

a first storage portion for storing terminal information including an address of each terminal device belonging to said group [Figs. 1-2, col.4, lines 17-33, wherein a user may designate a group of (third party) terminal devices to whom the photographs would be shared];

a first receiving portion for receiving, from one terminal device belonging to said group [e.g., 202, Fig.1], a distribution request including access information and distribution destination information, said access information being required for accessing the distribution information stored in the content server, said distribution destination information specifying other terminal devices that the one terminal device which belong to said group and to which the distribution information is to be distributed [col.4, lines 48-67; col.5, lines 7-18];

a second receiving portion for accessing said distribution information stored in a content server [e.g., any of 2A-2N, Fig.3], based on said access information included in the distribution request received by said first receiving portion from the one terminal device, and for receiving the distribution information accessed [col.5, lines 31-42; note that the the low-resolution images are derived from high resolution images originated in the scanner stations];

a second storage portion for storing said distribution information accessed and received by said second receiving portion [i.e., the low-resolution images are transmitted from the processing centers (2A-2N, Fig.3) to the central image server (20, Fig.3) and stored therein for subsequent distribution]; and

a first transmitting portion for transmitting said distribution information stored in said second storage portion to said one terminal device and the specified other terminal devices [col.5, lines 31-64; note that this is a "pull" type of distribution, which requires user interaction to get the information downloaded to each target terminal].

6. As to claims 2-3, Sheridan further teaches that the system further comprising a third receiving portion for receiving a bill of charges from a device, said device billing for said distribution information charges when said distribution information is chargeable; and a second transmitting portion for transmitting said bill of charges received by said third receiving portion either to a terminal device which transmitted said distribution request or to a telecommunications carrier to which this terminal device subscribes [note that inherently there must be a billing process in the system to charge the original film processing and printing fee] .

7. As to claim 4, Sheridan further teaches that the system further comprises a deleting portion for deleting said distribution information stored in said second storage portion after the distribution of said distribution information by said first transmitting portion [col. 3, lines 8-15].

8. As to claim 5, Sheridan further teaches transmitting notification, to the terminal device which transmitted said distribution request, of the fact that distribution has been completed, after the distribution of said distribution information by said first transmitting portion [col.6, lines 13-24].

9. As to claim 6, Sheridan further teaches that said distribution request further includes additional information added to said distribution information, and said first transmitting portion distributes said additional information in addition to said distribution information [col.5, lines 19-42].

10. As to claim 9, Sheridan further teaches that said first receiving portion receives said distribution request from said terminal device via another server device [note that Sheridan's system is inherently able to receive terminal device transmitted via an ISP server because Sheridan's system is tied to the Internet (205, Fig.1)].

11. As to claim 10, Sheridan further teaches that said distribution information is either a program including a game program, said program and a license for said program, map information, or product information [note that photograph is a product information].

12. As to claims 11-12 and 14-20, since the features of these claims can also be found in claims 1, 6 and 10, they are rejected for the same reasons set forth in the rejection of claims 1, 6 and 10 above.

Claim Rejections - 35 USC § 103

13. Claims 7-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridan [U.S. Pat. No. 5760917], as applied to claims 1-6, 9-12 and 14-20 above, further in view of Official Notice.

14. As to claim 7, Sheridan does not specifically teach that said distribution request further includes a distribution time for specifying a time for distributing said distribution information,

and said first transmitting portion distributes said distribution information at said distribution time.

However, Official Notice is taken that distributing information according to planned schedule is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow users of Sheridan's system to specify timing constraint or delivery time as an option because such feature serves good customer service, in particular when distribution of certain photos is time-sensitive.

15. As to claim 8, Sheridan further teaches that said terminal device information stored in said first storage portion includes information for representing an information format displayable on a display portion of the terminal device [220, Fig.2].

Sheridan does not specifically teach that said information distribution device further comprises a conversion/filtering portion for converting or filtering said distribution information to a format capable of being displayed on a display portion of said terminal device, based on said information for representing said displayable information format.

However, Official Notice is taken that establishing device profile regarding capabilities of the various clients' devices for transmitting information in a displayable format is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider a terminal device's display capability and make appropriate format conversion in Sheridan's system prior transmission because by doing so it would enable

individuals holding different types of devices to receive appropriate information (in terms of content and format).

16. As to claim 13, since the features of this claim can also be found in claims 1, 7 and 11, it is rejected for the same reasons set forth in the rejection of claims 1, 7 and 11 above.

17. Applicant's arguments filed on 3/15/07 for claims 1-20 have been fully considered but they are not deemed to be persuasive.

18. Applicant argues in the remarks that: (1) Sheridan fails to teach an information distribution device which accesses a content server to receive distribution information there from; and (2) Sheridan's other terminals are required to perform procedures for accessing in order to obtain photo images.

19. The examiner respectfully disagrees with applicant's remarks:

(1) Sheridan teaches that the shared images (e.g., low-resolution images) are made accessible from the central image server (i.e., 20, Fig. 3A), but they are originated from the distributed processor scanners (2A – 2N, Fig.3).

(2) The claim languages do not indicate that the other terminals do not require to perform any procedure for accessing the distribution information. In fact such limitation would not be realistic because a terminal device always has to perform certain procedure to receive remote data into its local storage. For example, even if the distribution server uses a push mode to send

data to a terminal device via email attachment, the recipient still needs to logon to an email box to access the data.

(3) It is noted that in network environment there are two ways of distributing information: push and pull (see, e.g., US20020066026, Abstract). What Sheridan's system provided is a pull mode distribution, which nominally requires a user to simply click on a supplied URL (included in an email message, for example) and use a browser to receive information distributed/transmitted from a server. Since Applicant's claim languages do not indicate how the distribution information is delivered between the distribution server and the receiving terminals, there is no way of distinguishing Applicant's distribution mode over the prior art. Even if Applicant's system uses the push mode, it would still be unpatentable because these two modes are well known and choosing one out of the two is simply a design choice. For the above reasons, it is submitted that the prior art reads on the claims.

20. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and


(571)273-3969 for status inquires draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

May 3, 2007


5/3/07